

REMARKS

This Amendment after FINAL Rejection is filed in response to the FINAL Office Action mailed on May 18, 2004. All objections and rejections are respectfully traversed.

Claims 1-36 are in the case.

Claims 12, 13, 31, 32, 35, and 36 were amended to better claim the invention.

No new claims were added.

At Paragraph 2.0 of the Office Action claims 12-13, 31-32, and 35-36 were rejected under 35 U. S. C. § 112.

Amendment of claims 12-13, 31-32, and 35-36 are believed to satisfy this rejection.

At Paragraphs 3.0-4.0 of the Office Action, claims 13 and 36 were rejected under 35 U.S.C. § 101.

Applicant respectfully points out that electromagnetic signals, that is signals carrying information on a computer network such as the Internet, have utility in the sense

required by 35 U.S.C. § 101. The Internet has utility, and so do the signals which carry information over the Internet.

Representative claim 13 is:

13. Electromagnetic signals travelling on a computer network, *said electromagnetic signals carrying instructions for execution on a processor for practicing a method of,*

receiving a voice data packet by a network device, replicating said voice data packet, and transmitting replica packets onto a first link and a second link;

assigning low cost to links, including said first link, in a first desired path through said computer network, said cost used by Link State Packet Routing protocol (LSP protocol) to select a route through said network;

assigning low cost to links, including said second link, in a second desired path through said computer network; and

assigning high costs to links between said first desired path and said second desired path, so that in response to assigning low costs to links in said first and second desired paths, LSP protocol selects said first and second desired paths for transmitting said replica packets through said network, respectively, and in response to high costs assigned to said links between said first and second desired paths, LSP does not select links that would create a convergence of said first and second desired paths.

Applicant respectfully points out that MPEP 2106 IV, B. 1. (c) (Page 2100-14 of the Eighth Edition) states:

“Natural Phenomena Such as Electricity and Magnetism.

... However, a signal claim directed to a practical application of electromagnetic energy is statutory regardless of its transitory nature.”

Applicant respectfully points out that the form of Claim 13 meets the “practical application” requirement of MPEP 2106 IV, B, 1 (c) because the claim is to: “*said electromagnetic signals carrying instructions for execution on a processor for practicing a method of . . .*”, and then the method is that spelled out in method steps.

Accordingly, Applicant respectfully urges that Claim 13 and claim 36 meet all statutory requirements of 35 U.S.C. 101, particularly as further set out in MPEP 2106 IV, B, 1 (c).

At Paragraph 5.0 of the Office Action claims 21 and 22 were objected to as being duplicates.

Claim 21 is:

21. The method as in claim 15, wherein said packet *originates* from a digital telephone.

Claim 22 is:

22. The method as in claim 15, wherein said packet *terminates* at a digital telephone.

Applicant respectfully points out that claim 21 claims packets which *originate* at a digital telephone; where in contrast claim 22 claims packets which *terminate* at a digital telephone.

Accordingly, Applicant respectfully urges that claims 21 and 22 are not duplicates, one claims *originate*, where in contrast the other claims *terminate*.

At Paragraph 6.0 of the Office Action claims 1-11, 14-20, 23-30, 33, and 34 were allowed.

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



A. Sidney Johnston
Reg. No. 29,548
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500